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U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIABY: *EC* DEPUTY

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HONEYBEE FOODS CORP, DBA JOLLIBEE;

6 WING BIZ INC DBA WINGS N THINGS;

CHRIS CHRIS ENTERPRISES DBA LITTLE CAESARS;

7 SANG K. LEE DBA BASKIN-ROBBINS ICE CREAM;

MICHAEL WONG DBA PLAZA COIN LAUNDRY;

8 EMILIA T. HERNANDEZ DMD; KEDDINGTON

&amp; KALRA OPTOMERISTS APC DBA EYE CARE

9 OPTOMETRY ASSOCIATE; ANNABELLE MATTOX

DBA ANABEL HAIR AFFAIR; LOAN NGUYEN DBA

10 CHARLENES NAIL; KIM PHAT JEWELRY AND

REPAIR CORP; HOLLYWOOD MUSIC;

11 MOMMY AND ME; DR BRADFORD EMERY

## 12 UNITED STATES DISTRICT COURT

## 13 SOUTHERN DISTRICT OF CALIFORNIA

14 NONI GOTTI,

15 Plaintiff,

16 v.

17 PLAZA SQUARE, LTD.; HONEYBEE  
FOODS CORP; DBA JOLLIBEE; WING BIZ  
18 INC DBA WINGS N THINGS; CHRIS  
CHRIS ENTERPRISES DBA LITTLE  
19 CAESARS; SANG K. LEE DBA BASKIN-  
ROBBINS ICE CREAM; SATHAPHONE  
20 KHAMPHAU & QUAN LIU KHAMPHAU  
AKA MICHAEL WONG & SENG DEVANE  
21 DBA PLAZA COIN LAUNDRY; EMILIA T.  
HERNANDEZ DMD; KEDDINGTON &  
22 KALRA OPTOMERISTS APC DBA EYE  
CARE OPTOMETRY ASSOCIATE;  
23 ANNABELLE MATTOX DBA ANABEL HAIR  
AFFAIR; H & R BLOCK INC; LOAN  
24 NGUYEN DBA CHARLENES NAIL; KIM  
PHAT JEWELRY AND REPAIR CORP; GIFTS  
25 AND FAVORS; HOLLYWOOD MUSIC;  
MOMMY AND ME; DR BRADFORD  
26 EMERY; and DOES 1 THROUGH 10,  
Inclusive,

27 Defendants.  
28

CASE NO.

08 CV 1029 WQH WMC

NOTICE OF REMOVAL OF ACTION  
UNDER 28 U.S.C. § 1441(b)  
(Federal Question)

1 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

2 PLEASE TAKE NOTICE that defendants PLAZA SQUARE, LTD., HONEYBEE FOODS  
3 CORP, DBA JOLLIBEE; WING BIZ INC DBA WINGS N THINGS; CHRIS CHRIS  
4 ENTERPRISES DBA LITTLE CAESARS; SANG K. LEE DBA BASKIN-ROBBINS ICE CREAM;  
5 MICHAEL WONG DBA PLAZA COIN LAUNDRY; EMILIA T. HERNANDEZ DMD;  
6 KEDDINGTON & KALRA OPTOMERISTS APC DBA EYE CARE OPTOMETRY ASSOCIATE;  
7 ANNABELLE MATTOX DBA ANABEL HAIR AFFAIR; LOAN NGUYEN DBA CHARLENES  
8 NAIL; KIM PHAT JEWELRY AND REPAIR CORP; HOLLYWOOD MUSIC; MOMMY AND  
9 ME; DR BRADFORD EMERY (herein after "Defendants") hereby remove to this Court the  
10 state court action described below.

11 1. On April 29, 2008, an action was commenced in the Superior Court of the  
12 State of California in and for the City and County of San Diego entitled *Noni Gotti, Plaintiff*  
13 *v. Plaza Square, Ltd., et al., Defendants*, as Case No. 37-2008-00070275-CU-CR-SC,  
14 attached hereto as Exhibit A.

15 2. The first date upon which defendant PLAZA SQUARE, LTD. received a copy  
16 of said complaint was May 8, 2008, when defendant PLAZA SQUARE, LTD. was served  
17 with a copy of said complaint and a summons from said court. A copy of the summons is  
18 attached hereto as Exhibit B.

19 3. This action is a civil action of which this Court has original jurisdiction under  
20 28 U.S.C. § 1331, and is one which may be removed to this Court by Defendants in that it  
21 arises under 42 U.S.C. 12182(a) et seq.

22 4. Defendant PLAZA SQUARE, LTD. is informed and believes that defendant  
23 H & R BLOCK INC. has not been served in this action as its offices were closed through  
24 May of 2008 and remain closed to date. Defendant PLAZA SQUARE, LTD. is informed and

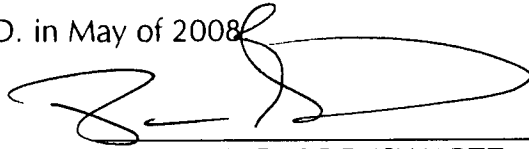
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28

1 believes that defendant GIFTS AND FAVORS has not been served in this action as it was  
2 not a tenant of PLAZA SQUARE, LTD. in May of 2008



3  
4 Dated: June 9, 2008

DANIEL E. GARDENSWARTZ  
Attorneys for Defendants PLAZA SQUARE,  
LTD.; HONEYBEE FOODS CORP, DBA  
JOLLIBEE; WING BIZ INC DBA WINGS N  
THINGS; CHRIS CHRIS ENTERPRISES DBA  
LITTLE CAESARS; SANG K. LEE DBA BASKIN-  
ROBBINS ICE CREAM; MICHAEL WONG  
DBA PLAZA COIN LAUNDRY; EMILIA T.  
HERNANDEZ DMD; KEDDINGTON  
& KALRA OPTEOMERISTS APC DBA EYE  
CARE OPTOMETRY ASSOCIATE; ANNABELLE  
MATTOX DBA ANABEL HAIR AFFAIR; LOAN  
NGUYEN DBA CHARLENES NAIL; KIM PHAT  
JEWELRY AND REPAIR CORP; HOLLYWOOD  
MUSIC; MOMMY AND ME; DR BRADFORD  
EMERY



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**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN DIEGO**

**NONI GOTTI,**

**Plaintiff,**

**v.**

**PLAZA SQUARE, LTD.; HONEYBEE  
FOODS CORP; DBA JOLLIBEE;  
WING BIZ INC DBA WINGS N  
THINGS; CHRIS CHRIS  
ENTERPRISES INC DBA LITTLE  
CAESARS; SANG K. LEE DBA  
BASKIN-ROBBINS ICE CREAM;  
SATHAPHONE KHAMPHAU &  
QUAN LIU KHAMPHAU AKA  
MICHAEL WONG & SENG DEVANE  
DBA PLAZA COIN LAUNDRY;  
EMILIA T. HERNANDEZ DMD;  
KEDDINGTON & KALRA  
OPTEOMERISTS APC DBA EYE  
CARE OPTOMETRY ASSOCIATE;  
ANNABELLE MATTOX DBA  
ANABEL HAIR AFFAIR; H & R  
BLOCK INC; LOAN NGUYEN DBA  
CHARLENES NAILS; KIM PHAT  
JEWELRY AND REPAIR CORP.;  
GIFTS AND FAVORS; HOLLYWOOD  
MUSIC; MOMMY AND ME; DR  
BRADFORD EMERY; And DOES 1  
THROUGH 10, Inclusive**

Case No.

**37-2008-00070275-CU-CR-SC**

**CIVIL COMPLAINT:**

**DISCRIMINATORY PRACTICES IN  
PUBLIC ACCOMMODATIONS**

**[42 U.S.C. 12182(a) ET. SEQ; CIVIL  
CODE 51, 52, 54, 54.1, 54.3]**

**UNLIMITED CIVIL CASE -  
PERMANENT INJUNCTIVE RELIEF**

Defendants.

**NAMED DEFENDANTS AND NAMED PLAINTIFF**

1. Plaintiff is informed, believes and thereon alleges that Defendants are, and, at all times mentioned herein, were, a business or corporation or franchise organized and existing and/or doing business under the laws of the State of California. Plaintiff is informed and believes and thereon alleges that Defendants PLAZA SQUARE, LTD.; HONEYBEE FOODS CORP; DBA JOLLIBEE; WING BIZ INC DBA WINGS N THINGS; CHRIS CHRIS ENTERPRISES INC DBA LITTLE CAESARS; SANG K. LEE DBA BASKIN-ROBBINS ICE CREAM; SATHAPHONE KHAMPHAU & QUAN LIU KHAMPHAU AKA MICHAEL WONG & SENG DEVANE DBA PLAZA COIN LAUNDRY; EMILIA T. HERNANDEZ DMD; KEDDINGTON & KALRA OPTOMERISTS APC DBA EYE CARE OPTOMETRY ASSOCIATE; ANNABELLE MATTOX DBA ANABEL HAIR AFFAIR; H & R BLOCK INC; LOAN NGUYEN DBA CHARLENES NAILS; KIM PHAT JEWELRY AND REPAIR CORP.; GIFTS AND FAVORS; HOLLYWOOD MUSIC; MOMMY AND ME; DR BRADFORD EMERY are the owner, operator, and/or lessor/lessee of the real property and the public accommodation located thereon at the Property Address: 1401 PLAZA BLVD, NATIONAL CITY, CA 91950; Assessor's Parcel Number: 557-250-43. Defendant PLAZA SQUARE, LTD. c/o Registered Agent: PEGGY SHAPIRO, located at 5080 SHOREHAM PLACE, STE. 202, SAN DIEGO, CA 92122. Defendant HONEYBEE FOODS CORP; DBA JOLLIBEE is located at 1401 E PLAZA BLVD, NATIONAL CITY, CA 91950 or HONEYBEE FOODS CORPORATION c/o Registered Agent: MARIBETH DELA CRUZ, located at 16125 VALLEY BLVD, CITY OF INDUSTRY, CA 91744. Defendant WING BIZ INC DBA WINGS N THINGS is located at 1499 E PLAZA BLVD, NATIONAL CITY, CA 91950 or c/o Registered Agent: COMPANY SUPPORT SERVICES, INC., located at 9255 TOWNE CENTRE DRIVE STE 500, SAN DIEGO, CA 92121. Defendant CHRIS CHRIS ENTERPRISES INC DBA LITTLE CAESARS is located at 1495 E PLAZA BLVD, NATIONAL CITY, CA 91950.

1 Defendant SANG K. LEE DBA BASKIN-ROBBINS ICE CREAM is located at 1493 E PLAZA  
 2 BLVD, NATIONAL CITY, CA 91950. Defendants SATHAPHONE KHAMPHAU & QUAN  
 3 LIU KHAMPHAU AKA MICHAEL WONG & SENG DEVANE DBA PLAZA COIN  
 4 LAUNDRY are located at 1489 E PLAZA BLVD, NATIONAL CITY, CA 91950. Defendant  
 5 EMILIA T. HERNANDEZ DMD is located at 1483 E PLAZA BLVD, NATIONAL CITY, CA  
 6 91950. Defendant KEDDINGTON & KALRA OPTOMERISTS APC DBA EYE CARE  
 7 OPTOMETRY ASSOCIATE is located at 1481 E PLAZA BLVD, NATIONAL CITY, CA  
 8 91950. Defendant ANNABELLE MATTOX DBA ANABEL HAIR AFFAIR is located at 1473  
 9 E PLAZA BLVD, NATIONAL CITY, CA 91950. Defendant H & R BLOCK INC is located at  
 10 1461 E PLAZA BLVD, NATIONAL CITY, CA 91950 or c/o Registered Agent: C T  
 11 CORPORATION SYSTEM, located at 818 WEST SEVENTH ST, LOS ANGELES, CA 90017.  
 12 Defendant LOAN NGUYEN DBA CHARLENES NAILS is located at 1459 E PLAZA BLVD,  
 13 NATIONAL CITY, CA 91950. Defendnt KIM PHAT JEWELRY AND REPAIR CORP. is  
 14 located at 1455 E PLAZA BLVD, NATIONAL CITY, CA 91950 or c/o Registered Agent:  
 15 NGHIA LE, located at 609 VIA ARMADO, CHULA VISTA, CA 91910. Defendant GIFTS  
 16 AND FAVORS is located at 1479 E Plaza Blvd., NATIONAL CITY, CA 91950. Defendant  
 17 HOLLYWOOD MUSIC is located at 1477 E Plaza Blvd., NATIONAL CITY, CA 91950.  
 18 Defendant MOMMY AND ME is located at 1467 E Plaza Blvd., NATIONAL CITY, CA 91950.  
 19 Defendant DR BRADFORD EMERY is located at 1463 E Plaza Blvd., NATIONAL CITY, CA  
 20 91950.

21  
 22 2. The words Plaintiff and Plaintiffs as used herein specifically include NONI GOTTI.

23 3. Defendants Does 1 through 10, were at all times relevant herein subsidiaries, employers,  
 24 employees, agents, of Defendants PLAZA SQUARE, LTD.; HONEYBEE FOODS CORP; DBA  
 25 JOLLIBEE; WING BIZ INC DBA WINGS N THINGS; CHRIS CHRIS ENTERPRISES INC  
 26 DBA LITTLE CAESARS; SANG K. LEE DBA BASKIN-ROBBINS ICE CREAM;  
 27 SATHAPHONE KHAMPHAU & QUAN LIU KHAMPHAU AKA MICHAEL WONG &  
 28 SENG DEVANE DBA PLAZA COIN LAUNDRY; EMILIA T. HERNANDEZ DMD;



1 KEDDINGTON & KALRA OPTEOMERISTS APC DBA EYE CARE OPTOMETRY  
 2 ASSOCIATE; ANNABELLE MATTOX DBA ANABEL HAIR AFFAIR; H & R BLOCK INC;  
 3 LOAN NGUYEN DBA CHARLENES NAILS; KIM PHAT JEWELRY AND REPAIR CORP.;  
 4 GIFTS AND FAVORS; HOLLYWOOD MUSIC; MOMMY AND ME; DR BRADFORD  
 5 EMERY. Plaintiff is ignorant of the true names and capacities of Defendants sued herein as Does  
 6 1 through 10, inclusive, and therefore sues these Defendants by such fictitious names. Plaintiff  
 7 will pray leave of the court to amend this complaint to allege the true names and capacities of the  
 8 Does when ascertained.

9 4. Plaintiff is informed and believes, and thereon alleges, that Defendants and each of them  
 10 herein were, at all times relevant to the action, the owner, lessor, lessee, franchiser, franchisee,  
 11 general partner, limited partner, agent, employee, representing partner, or joint venturer of the  
 12 remaining Defendants and were acting within the course and scope of that relationship. Plaintiff  
 13 is further informed and believe, and thereon allege, that each of the Defendants herein gave  
 14 consent to, ratified, and/or authorized the acts alleged herein to each of the remaining Defendants.  
 15

#### 16 CONCISE SET OF FACTS

17 5. Plaintiff NONI GOTTI (hereinafter "Plaintiff") has physical and mental impairments and  
 18 due to these impairments she has successfully learned to walk with a service animal. Plaintiff  
 19 said physical and mental impairments substantially limit one or more of the following major life  
 20 activities including but not limited to: walking and clinical depression. Plaintiff has a long  
 21 history of mental impairments. Plaintiff's doctor required her to travel with a service dog as a  
 22 non-medicated treatment for her conditions. Defendants refused Plaintiff entrance due to the dog  
 23 or have a policy prohibiting service dogs.

24 6. Plaintiff has physical and mental impairments because their conditions affect one or more  
 25 of the following body systems: neurological, musculoskeletal, special sense organs, and/or  
 26 cardiovascular. Further, Plaintiff said physical impairments substantially limits one or more of  
 27 the following major life activities. In addition, Plaintiff cannot perform one or more of the said  
 28 major life activities in the manner, speed, and duration when compared to the average person.



Moreover, Plaintiff has a history of or has been classified as having a physical impairment as required by 42 U.S.C. § 12102(2)(A).

7. On April 22, 2008, Plaintiff NONI GOTTI desired to visit Defendants' public accommodation facilities located at Property Address: 1401 PLAZA BLVD, NATIONAL CITY, CA 91950; Assessor's Parcel Number: 557-250-43 to utilize their goods and/or services. When Plaintiff NONI GOTTI desired to patronize Defendants' public accommodation facilities, she was unable to use and/or had difficulty using the public accommodations' facilities including but not limited to the barriers to access listed herein and said facilities were not accessible because they failed to comply with ADA Access Guidelines For Buildings and Facilities (hereafter referred to as "ADAAG" and codified in 28 C.F.R. Part 36, App. A) and/or California's Title 24 Building Code Requirements. Defendants failed to remove barriers to equal access within their public accommodation facilities as required.

8. Plaintiff NONI GOTTI personally experienced difficulty with said access barriers as listed herein to the present Complaint at Defendants' public accommodation facilities located on the Property and/or has knowledge of said access barriers and is presently deterred from accessing the public accommodation. Plaintiff alleges that these known barriers to access are not an exhaustive list of the barriers to access that exist at Defendants' facilities.

9. Defendants failed to provide auxiliary aids and services that are necessary to ensure equal access to the goods, services, privileges, or accommodations that it offers. Title 28, part 36.303 of Code of Federal Regulations states:

(a) General. A public accommodation shall take those steps that may be necessary to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services, unless the public accommodation can demonstrate that taking those steps would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations being offered or would result in an undue burden, i.e., significant difficulty or expense.

(b) Examples. The term "auxiliary aids and services" includes:

(1) Qualified interpreters, notetakers, computer-aided transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDD's), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments;

(2) Qualified readers, taped texts, audio recordings, Brailled materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments;

(3) Acquisition or modification of equipment or devices; and

(4) Other similar services and actions.

(c) Effective communication. A public accommodation shall furnish appropriate auxiliary aids and services where necessary to ensure effective communication with individuals with disabilities.

10. Plaintiff can prove these barriers as Plaintiff conducted a preliminary survey of Defendants' facility. Plaintiff specifically alleges that Defendants knew, to a substantial certainty, that the architectural barriers precluded equal access. First, Plaintiff will prove that Defendants had actual knowledge that the architectural barriers precluded equal access and that the noncompliance with ADAAG as to accessible entrances was intentional. Second, due to the abundance of ADA information and constant news covers of ADA lawsuits, Defendants had actual knowledge of the ADA and decided deliberately not to remove architectural barriers. Third, Defendants have no plans to remodel. Fourth, Defendants had actual knowledge of ADA given all the ADA public awareness campaigns, the abundance of free ADA information and the media's constant ADA coverage. Fifth, a human being acting for the defendants made a conscious decision as to how to proceed given the presence of the architectural barriers. Plaintiff alleges any alternative methods preclude integration of disabled patrons, as it requires them to use second-class facilities. Also, expert testimony will show the facility contained inaccessible

1 features. Plaintiff alleges businesses often state that they have few customers with disabilities.  
2 Plaintiff alleges such customers avoid patronizing inaccessible businesses and are deterred from  
3 patronizing such businesses.

4 11. The Plaintiff went to the Commercial Complex in E Plaza Blvd, National City. There's no  
5 accessible route from public sidewalk to businesses. Leads you to drive thru at Jollibee located at  
6 1401 E Plaza. There are two (2) handicapped parking but no signage for handicapped parking. No  
7 International symbol of accessibility signage at the entrance. The entrance lacks clear floor space.  
8 The steps lack handrails, only one (1) handrail. The steps lack the slip resistance surface. Chairs  
9 not accessible will hit knees. Wings N Things at 1499 E Plaza the counter exceeds 36 inches. Pipe  
10 not covered on sink in bathroom and no seat covers at all. Chairs not accessible will hit knee.  
11 Ramp is too steep and no rail. Little Caesars at 1495 E Plaza has no International symbol of  
12 accessibility signage at the entrance and there are loose mats. Baskin Robbins at 1493 E Plaza  
13 has no International symbol of accessibility signage at the entrance. Chairs not accessible and  
14 knee will hit pole. Plaza Coin Laundry at 1489 E Plaza has no International symbol of  
15 accessibility signage at the entrance. The entrance doorknob is not a lever. Knob on sink cabinet  
16 needs to be removed. The mirror is too high. Distant between toilet and sink should be five (5)  
17 feet. EMILIA T. HERNANDEZ DMD's clinic at 1483 E Plaza has no International symbol of  
18 accessibility signage at the entrance, the counter exceeds 36 inches and there are loose mats. Eye  
19 Care Optometry at 1481 E Plaza has no International symbol of accessibility signage at the  
20 entrance and there are loose mats. Gifts and Favors at 1479 E Plaza has no International symbol  
21 of accessibility signage at the entrance. Hollywood Music at 1477 E Plaza has no International  
22 symbol of accessibility signage at the entrance and there are loose mats. Anabel Hair Affair has  
23 no International symbol of accessibility signage at the entrance and the counter exceeds 36  
24 inches. Mommy and Me at 1467 E Plaza's entrance lacks clear floor space and counter exceeds  
25 36 inches. Dr. Bradford Emery at 1463 E Plaza has no International symbol of accessibility  
26 signage at the entrance and the counter exceeds 36 inches. H & R Block at 1461 E Plaza has no  
27 International symbol of accessibility signage at the entrance and the counter exceeds 36 inches.  
28

1 Charlenes Nails at 1459 E Plaza has has no International symbol of accessibility signage at the  
 2 entrance. The counter at Kim Phat Jewelry located at 1455 E Plaza, exceeds 36 inches.

3 12. Plaintiff intends to return to Defendants' public accommodation facilities in the immediate  
 4 future. Plaintiff was deterred and is presently deterred from returning due to her knowledge of  
 5 the barriers to access that exist at Defendants' facilities.

6 13. Pursuant to federal and state law, Defendants are required to remove barriers to their  
 7 existing facilities. Further, Defendants had actual knowledge of their barrier removal duties  
 8 under the Americans with Disabilities Act and the Civil Code before January 26, 1992. Also,  
 9 Defendants should have known that individuals with disabilities are not required to give notice to  
 10 a governmental agency before filing suit alleging Defendants failed to remove architectural  
 11 barriers.

12 14. Plaintiff believes and herein alleges Defendants' facilities have access violations not  
 13 directly experienced by Plaintiff which would preclude or limit access by Plaintiff potentially  
 14 including but not limited to violations of the ADA, ADA Accessibility Guidelines (Codified in 28  
 15 C.F.R. Part 36, App. A) and Title 24 of the California Building Code. Plaintiff alleges  
 16 Defendants are required to utilize the ADA checklist for Readily Achievable Barrier Removal  
 17 approved by the United States Department of Justice and created by Adaptive Environments.  
 18 Plaintiff is entitled to injunctive relief to remove all barriers to access that are related to her  
 19 disability even those barriers that are only known to exist but are not directly experienced by  
 20 plaintiff. *Doran v 7-Eleven Inc.*, 2007 U.S.App.Lexis 26143 (9<sup>th</sup> Cir 2007).

21 15. Based on these facts, Plaintiff alleges she was discriminated against each time he  
 22 patronized and/or was deterred from patronizing Defendants' facilities. Plaintiff was extremely  
 23 upset due to Defendants' conduct.

24 16. Plaintiff is not required to provide notice to the defendants prior to filing a complaint  
 25 and/or to recover attorney fees and costs. *Botosan v. Paul McNally Realty*, 216 F.3d 827, 832  
 26 (9<sup>th</sup> Cir 2000). *Skaff v Meridien*, 2007 U.S. App. LEXIS 25516 (9<sup>th</sup> Cir 2007).

27 **WHAT CLAIMS ARE PLAINTIFF ALLEGING AGAINST EACH NAMED**  
 28

**DEFENDANT**

17. Defendants PLAZA SQUARE, LTD.; HONEYBEE FOODS CORP; DBA JOLLIBEE; WING BIZ INC DBA WINGS N THINGS; CHRIS CHRIS ENTERPRISES INC DBA LITTLE CAESARS; SANG K. LEE DBA BASKIN-ROBBINS ICE CREAM; SATHAPHONE KHAMPHAU & QUAN LIU KHAMPHAU AKA MICHAEL WONG & SENG DEVANE DBA PLAZA COIN LAUNDRY; EMILIA T. HERNANDEZ DMD; KEDDINGTON & KALRA OPTOMERISTS APC DBA EYE CARE OPTOMETRY ASSOCIATE; ANNABELLE MATTOX DBA ANABEL HAIR AFFAIR; H & R BLOCK INC; LOAN NGUYEN DBA CHARLENES NAILS; KIM PHAT JEWELRY AND REPAIR CORP.; GIFTS AND FAVORS; HOLLYWOOD MUSIC; MOMMY AND ME; DR BRADFORD EMERY and Does 1 through 10 will be referred to collectively hereinafter as "Defendants."

18. Plaintiff avers that the Defendants are liable for the following claims as alleged below:

**DISCRIMINATORY PRACTICES IN PUBLIC ACCOMMODATIONS**

**FIRST CAUSE OF ACTION AGAINST ALL DEFENDANTS- Claims Under The Americans With Disabilities Act Of 1990**

**Claim I**

19. Based on the facts stated above, Defendants discriminated against Plaintiff on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation as Defendants own, lease (or lease to), or operate a place of public accommodation in violation of 42 U.S.C. §12182.

**Claim II**

20. Based on the facts stated above, Defendants discriminated against Plaintiff directly, or through contractual, licensing, or other arrangements, to a denial of the opportunity of the individual or class to participate in or benefit from the goods, services, facilities, privileges, advantages, or accommodations of an entity in violation of 42 U.S.C. §12182.

**Claim III**

21. Based on the facts stated above, Defendants discriminated against Plaintiff as it is

1 discriminatory to afford an individual or class of individuals, on the basis of a disability or  
2 disabilities of such individual or class, directly, or through contractual, licensing, or other  
3 arrangements with the opportunity to participate in or benefit from a good, service, facility,  
4 privilege, advantage, or accommodation that is not equal to that afforded to other individuals in  
5 violation of 42 U.S.C. §12182.

6 Claim IV

7 22. Based on the facts stated above, Defendants discriminated against Plaintiff as it is  
8 discriminatory to provide an individual or class of individuals, on the basis of a disability or  
9 disabilities of such individual or class, directly, or through contractual, licensing, or other  
10 arrangements with a good, service, facility, privilege, advantage, or accommodation that is  
11 different or separate from that provided to other individuals.

12 Claim V

13 23. Based on the facts stated above, Defendants discriminated against Plaintiff as Defendants  
14 failed to afford to an individual with a disability in the most integrated setting appropriate to  
15 the needs of the individual in violation of 42 U.S.C. §12182.

16 Claim VI

17 24. Based on the facts stated above, Defendants discriminated against Plaintiff as Defendants  
18 utilized standards or criteria or methods of administration that have the effect of discriminating on  
19 the basis of disability; or that perpetuate the discrimination of others who are subject to common  
20 administrative control in violation of 42 U.S.C. §12182.

21 Claim VII

22 25. Based on the facts stated above, Defendants discriminated against Plaintiff as it is  
23 discriminatory to exclude or otherwise deny equal goods, services, facilities, privileges,  
24 advantages, accommodations, or other opportunities to an individual or entity because of the  
25 known disability of an individual with whom the individual or entity is known to have a  
26 relationship or association in violation of 42 U.S.C. §12182. See *Niece v. Fitzner* 922 F. Supp.  
27 1208 (1996)  
28



1 Claim VIII

2 26. Based on the facts stated above, Defendants discriminated against Plaintiff as Defendants  
3 engaged in the specific prohibitions as stated in 42 U.S.C. §12182.

4 Claim IX

5 27. Based on the facts stated above, Defendants discriminated against Plaintiff as Defendant  
6 failed to demonstrate that the removal of a barrier is not readily achievable, and made such goods,  
7 services, facilities, privileges, advantages, or accommodations available through alternative  
8 methods in a segregated manner in violation of 42 U.S.C. §12182. Plaintiff is entitled to  
9 injunctive relief to remove all barriers to access that are related to his disability even those  
10 barriers that are only known to exist but are not directly experienced by plaintiff. *Doran v 7-*  
11 *Eleven Inc.*, 2007 U.S.App.Lexis 26143 (9<sup>th</sup> Cir 2007).

12 Claim X

13 28. Based on the facts stated above, Defendants discriminated against Plaintiff as Defendants  
14 altered the use of their establishment in a manner that affected or could have affected the usability  
15 of the facility or part thereof and failed to make alterations in such a manner that, to the maximum  
16 extent feasible, the altered portions of the facility are readily accessible to and usable by  
17 individuals with disabilities in violation of 42 U.S.C. §12183.

18 29. WHEREFORE, Plaintiff pray for judgment and relief as hereinafter set forth.  
19

20 SECOND CAUSE OF ACTION AGAINST ALL DEFENDANTS - CLAIMS UNDER  
21 CALIFORNIA ACCESSIBILITY LAWS

22 CLAIM I: Denial Of Full And Equal Access

23 30. Based on the facts plead above and elsewhere in this complaint, Plaintiff was denied full  
24 and equal access to Defendants' goods, services, facilities, privileges, advantages, or  
25 accommodations within a public accommodation owned, leased, and/or operated by Defendants  
26 as required by Civil Code Sections 54 and 54.1.

27 CLAIM II: Failure To Modify Practices, Policies And Procedures

28 31. Based on the facts plead above and elsewhere herein this complaint, Defendants failed and



1 refused to provide a reasonable alternative by modifying its practices, policies, and procedures in  
2 that they failed to have a scheme, plan, or design to assist Plaintiff and/or others similarly situated  
3 in entering and utilizing Defendants' services as required by Civil Code § 54.1. Thus, Plaintiff  
4 was subjected to discrimination in violation of Civil Code § 54.1.

5  
6 **CLAIM III: Violation Of The Unruh Act**

7 32. Based on the facts plead above and elsewhere herein this complaint and because  
8 Defendants violated the Civil Code § 51 by failing to comply with 42 United States Code §  
9 12182(b)(2)(A)(iv) and 42 U.S.C. § 12183(a)(2), Defendants did and continue to knowingly  
10 discriminate against Plaintiff and persons similarly situated in violation of Civil Code §§ 51, 52,  
11 and 54.1. Plaintiff alleges the access violations alleged here are so obvious as to implicate at least  
12 a prima facie case of discriminatory intent.

13 33. Based on the facts plead above, Claims I, II, and III of Plaintiffs' Second Cause Of  
14 Action above, and the facts elsewhere herein this complaint, Plaintiff will suffer irreparable harm  
15 unless Defendants are ordered to remove architectural, non-architectural, and communication  
16 barriers at Defendants' public accommodation. Plaintiff alleges that Defendants' discriminatory  
17 conduct is capable of repetition, and this discriminatory repetition adversely impacts Plaintiff and  
18 a substantial segment of the disability community. Plaintiff alleges there is a state and national  
19 public interest in requiring accessibility in places of public accommodation. Plaintiff has no  
20 adequate remedy at law to redress the discriminatory conduct of Defendants. Plaintiff desires to  
21 return to Defendants' places of business in the immediate future. Accordingly, the Plaintiff  
22 alleges that a structural or mandatory injunction is necessary to enjoin compliance with state civil  
23 rights laws enacted for the benefit of individuals with disabilities.

24 34. Wherefore, Plaintiff prays for damages and relief as hereinafter stated.  
25  
26  
27  
28

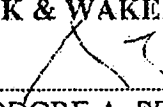
DEMAND FOR JUDGMENT FOR RELIEF:

- A. For injunctive relief pursuant to 42 U.S.C. § 12188(a).
- B. For general damages pursuant to Cal. Civil Code §§ 52 or 54.3:
- C. For \$4,000 in damages pursuant to Cal. Civil Code § 52 for each and every offense of Civil Code § 51, Title 24 of the California Building Code, ADA, and ADA Accessibility Guidelines (Codified in 28 C.F.R. Part 36, App. A):
- D. In the alternative to the damages pursuant to Cal. Civil Code § 52 in Paragraph C above, for \$1,000 in damages pursuant to Cal. Civil Code § 54.3 for each and every offense of Civil Code § 54.1, Title 24 of the California Building Code, ADA, and ADA Accessibility Guidelines:
- E. For treble damages pursuant to Cal. Civil Code §§ 52(a) or 54.3(a):
- F. For attorneys fees pursuant to 42 U.S.C. § 1988, 42 U.S.C. § 12205, and Cal. Civil Code § 52; 54.3;
- G. A Jury Trial and;
- H. For such other further relief as the court deems proper.

Respectfully submitted:

Dated: April 24, 2008

PINNOCK & WAKEFIELD, A.P.C.

By:   
THEODORE A. PINNOCK, ESQ.  
DAVID C. WAKEFIELD, ESQ.  
Attorneys for Plaintiff



# SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):

PLAZA SQUARE, LTD. HONEYVILLE FOODS CORP. DBA HOLLIBEE; WING HIZ INC DBA WINGS  
N THINGS; CHRIS CHRISTIAN ENTERPRISES INC DBA LITTLE MENARS; SANG K. LEE DBA  
HASKIN-ROBBINS ICE CREAM; SATHAPHONE KHAMPHAT & QUAN LIU KHAMPHAT AK A  
MICHAEL WONG & SENG DEVANE DBA PLAZA COIN LAUNDRY; EMILIA T. HERNANDEZ  
DBA KEDDINGTON & KALRA OPTOMETRISTS APC DBA EYE CARE OPTOMETRY  
ASSOCIATE; ANNABELLE MATTON DBA ANABEL HAIR AFFAIRS & R BLOCK INC. LOAN  
NGUYEN DBA CHARTER'S SALES; KIM PHAT JEWELRY AND REPAIR CORP. GIFTS AND  
FAVORS; HOLLYWOOD MUSIC MONIMY AND MIE. DR BRADFORD EMERY; AND DOES  
THROUGH 10, inclusive

YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTA DEMANDANDO EL DEMANDANTE):

NONIGOTTI

You have **30 CALENDAR DAYS** after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association.

*Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte, hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no la protegen. Su respuesta por escrito tiene que estar en formato legal correcto al tiempo que procesen su caso en la corte. Es posible que haya un formulario que usted puede usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), en la biblioteca de leyes de su condado o en la corte que le quite más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de costas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.*

*Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), o pidiéndolo en contacto con la corte o el colegio de abogados locales.*

The name and address of the court is: **San Diego Superior Court**  
(El nombre y dirección de la corte es):

South County Regional Center  
500 3rd Avenue, Chula Vista, California 91910

CASE **37-2008-00070275-CU-CR-SC**  
(Número del Caso)

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Theodore A. Pinnock, Esq. Bar #: 153434; David C. Wakefield, Esq. Bar #: 185736; Michelle Wakefield, Esq. Bar #: 200424  
3033 Fifth Avenue, Suite 410 San Diego, CA 92103

**A. Naranjo**

DATE: **MAY 01 2008**  
(Fecha)

Clerk, by \_\_\_\_\_  
(Secretario)

Deputy  
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons. (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.  
2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify): **PLAZA SQUARE, LTD**

- under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)  
☐ other (specify):

4. ☒ by personal delivery on (date): **05/28/08**

1 **PROOF OF SERVICE**

2 I, the undersigned, declare:

3 I am employed in the County of San Diego, State of California. I am over the age of  
4 18 years and not a party to this action. My business address is Solomon Ward Seidenwurm  
& Smith, LLP, 401 B Street, Suite 1200, San Diego, California 92101.

5 On June 9, 2008, I served a copy, including all exhibits, if any, of the following  
6 document(s):

7 **NOTICE OF REMOVAL OF ACTION**

8 on the parties in this action listed in the attached Proof of Service List, which is incorporated  
herein by this reference, by the following means:

9 ☒ **(BY MAIL)** I caused each such envelope to be sealed and placed for collection  
10 and mailing from my business address. I am readily familiar with the practice  
11 of Solomon Ward Seidenwurm & Smith, LLP for collection and processing of  
12 correspondence for mailing, said practice being that in the ordinary course of  
13 business mail is deposited with the postage thereon fully prepaid in the United  
States Postal Service the same day as it is placed for collection. I am aware  
that upon motion of the party served, service is presumed invalid if the postal  
cancellation date or postage meter date on the envelope is more than one day  
after the date of deposit for mailing contained in this affidavit.

14 ☐ **(BY PERSONAL SERVICE)** I caused each such envelope to be sealed and  
15 given to a courier authorized by our attorney service to receive documents for  
16 delivery on the same date. A proof of service signed by the authorized courier  
will be filed forthwith.

17 ☐ **(BY FEDERAL EXPRESS)** I am readily familiar with the practice of Solomon  
18 Ward Seidenwurm & Smith, LLP for the collection and processing of  
19 correspondence for overnight delivery and know that the document(s)  
described herein will be deposited in a box or other facility regularly  
maintained by Federal Express for overnight delivery.

20 ☐ **(BY FACSIMILE)** This document was transmitted by facsimile transmission  
21 from (619) 231-4755 and the transmission was reported as complete and  
without error. I then caused the transmitting facsimile machine to properly  
issue a transmission report, a copy of which is attached to this affidavit.

22 ☐ **(STATE)** I declare under penalty of perjury under the laws of the State of  
23 California that the foregoing is true and correct.

24 ☒ **(FEDERAL)** I declare that I am employed in the office of a member of this bar  
of this court, at whose direction this service was made.

25 Executed on June 9, 2008, at San Diego, California.

26 

27 Pamela Blanton  
28

**PROOF OF SERVICE LIST**

Theodore A. Pinnock, Esq.  
David C. Wakefield, Esq.  
Pinnock & Wakefield  
3033 Fifth Avenue, Suite 410  
San Diego, CA 92103

Tel: (619) 858-3671  
Fax: (619) 858-3646

Attorneys for Plaintiff NONI GOTTI

ORIGINAL

JS 44 (Rev. 12/07)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

NONI GOTTI

(b) County of Residence of First Listed Plaintiff San Diego  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Theodore A. Pinnock, Esq., Pinnock & Wakefield, 3033 Fifth Ave.,  
Ste 410, San Diego, CA 92103; (619) 858-3671

## DEFENDANTS

PLAZA SQUARE, LTD.

County of Residence of First Listed Defendant San Diego  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
LAND INVOLVED. BY: \_\_\_\_\_ DEPUTY

Attorneys (If Known)

Daniel E. Gardenswartz, Esq., Solomon Ward, et al., 401 B St.,  
Ste 1200, San Diego, CA 92101; (619) 231-0303

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury  <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability  <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark  <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))  <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input checked="" type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act  <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	

## V. ORIGIN

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
42 U.S.C. 12182(a)

Brief description of cause:  
Discriminatory Practices in Public Accommodations

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

06/09/2008

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

TAC

6/9/08



**UNITED STATES  
DISTRICT COURT**  
SOUTHERN DISTRICT OF CALIFORNIA  
SAN DIEGO DIVISION

**# 151774 - TC**

**June 09, 2008  
16:31:22**

**Civ Fil Non-Pris**

USAO #: 08CV1029

Judge.: WILLIAM Q HAYES

Amount.: \$350.00 CK

Check#: BC1625

**Total-> \$350.00**

FROM: NONI GOTTI VS.  
PLAZA SQUARE, LTD.